



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

May 25, 2023

Re: FOIA Request NLRB-2023-001411

Dear John Schroyer (Green Market Report):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on May 15, 2023, in which you initially sought "all documents related to the following ULP complaints: 13-CA-317761, 28-CA-312226, 13-CA-308383, 28-RC-305639, 28-CA-305502, 13-CA-304261, 28-CA-303282, 28-CA-302934, 28-CA-300347, 28-CA-299521, 29-CA-298317, 28-CA-296667, 13-CA-295623, 28-CA-267540, 01-CA-317977, 01-CA-315676, 01-CA-309421, 01-CA-307154, 01-CA-306282, 01-CA-305558, 01-RC-305438, 01-CA-312185, 01-RC-310539, 28-CA-299803, 28-CA-289113, 13-CA-316168, 04-CA-287726, 01-CA-316911, 01-CA-316911, 07-CA-317063, 01-CA-316661, 22-CA-316651, 01-CA-315417, 01-CA-314277, 01-CA-314154, 01-CA-314156, 01-CA-313752, 01-CA-307584, 01-CA-307998, 01-CA-307526, 01-CA-306364, 01-CA-304694, 01-CA-304245, 01-CA-303859, 28-CA-295504, [and] 14-CA-300153." You assumed financial responsibility for the processing of your request in the amount of \$100.00.

We acknowledged your request on May 15, 2023. In telephone and email communications with a member of the FOIA staff on May 16, 2023, you modified your request as follows:

For each of the cases listed below, the initial charge and amended charge(s), if any, along with the closing document(s) in any of the 42 listed cases which have been closed:

- Ascend Mass, LLC, Case Nos. 01-CA-307584, 01-CA-313752, 01-CA-314154, 01-CA-314156, 01-CA-314277, 01-CA-315417, 01-CA-316661, 01-CA-316911;
- Ascend Wellness, Case No. 22-CA-316651;
- Ascend Wellness Holdings, Case No. 07-CA-317063;
- Ayr Wellness d/b/a Oasis Cannabis, Case No. 28-CA-295504;
- AYR Wellness d/b/a Sira Naturals, Case Nos. 01-CA-303859, 01-CA-304245, 01-CA-304694, 01-CA-306364, 01-CA-307526, 01-CA-307998;

- Bloom Medicinals of Missouri-Dispensary I, LLC, Case No. 14-CA-300153;
- Curaleaf, Case Nos. 13-CA-295623, 13-CA-304261, 13-CA-308383, 13-CA-317761;
- Curaleaf, Case Nos. 28-CA-267540, 28-CA-296667, 28-CA-299521, 28-CA-300347, 28-CA-302934, 28-CA-303282, 28-CA-305502, 28-CA-312226;
- Curaleaf, Case No. 29-CA-298317;
- JDRC Managed Services, LLC/Sunnyside/Cresco, Case No. 13-CA-316168;
- Ilera Healthcare, LLC, a Terrascend Company d/b/a The Apothecarium, Case No. 04-CA-287726;
- Life Essence d/b/a Trulieve, Case No. 01-CA-305558, 01-CA-306282, 01-CA-307154, 01-CA-309421, 01-CA-315676, 01-CA-317977;
- Verano Four Daughters Holdings, LLC, Case No. 01-CA-312185;
- Verano Holdings, LLC d/b/a Zen Leaf, Case No. 28-CA-289113, 28-CA-299803.

Per your narrowed request, a search of the Agency's electronic casehandling system, NxGen, was conducted. This search located 61 pages of responsive, releasable charges and amended charges from the requested case files, which are attached. All of the cases are still open, so there are no case closing records in any these cases at this time.

After a review, I have determined that certain information in the attached records is exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

You will note that some of the responsive charges are released in full/without any redactions; reasons for this are that an administrative hearing in the case opened before an Administrative Law Judge and the charge was submitted into the record as an exhibit in the hearing, or, the case went to the Board on summary judgment and the charge was submitted as part of the stipulated record, and/or simply that there was no personally identifying information in the charge.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request. Given your placement as a news media requester, your request for a fee waiver is moot.

You may contact William T. Hearne, the FOIA Attorney-Advisor who processed your request, at (202) 273-0139 or by email at william.hearne@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

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Nancy E. Kessler Platt, Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (61 pages)